IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 449 OF 2006.

Shri Pratlapsingh Raoji Rane,
major, married, landlord,
resident of Vithalapur,
Sanquelim, Goa. .... Petitioner.

Versus

1. Shri Jitendra Zoba Rane,
of major age, r/o Vithalapur,
Sanquelim, Goa.

2. Mrs. Jitendra Z. Rane,
w/o Jitendra Zoiba Rane,
of major age, r/o Vithalapur,
Sanquelim, Goa.

3. Mr. Sanjay Zoiba Rane,
of major age,
r/o Vithalapur,
Sanquelim, Goa.

4. Smt. Vimalabai Zoiba Rane, alias
Sanyogita Zoiba Rane,
of major age,
r/o Vithalapur, Sanquelim,
Goa. .... Respondents.

Shri S. Vahidulla, Advocate for the Petitioner.

Shri S.G. Bhobe, Advocate for the Respondents.

CORAM: DR. S. RADHAKRISHNAN, J.

DATE: 11th OCTOBER, 2006.

ORAL JUDGMENT:

Rule. Rule made returnable forthwith.

2. Heard the learned Counsel for the petitioner and the respondents.

3. By this petition, the petitioner is challenging the Order passed by the learned District Judge, Panaji dated 11th August, 2006 whereby the learned District Judge, Panaji had refused to transfer the pending appeal.

4. Perused the said Judgment and Order and after hearing both the learned counsel, I do not find any illegality or perversity in the said order. There is no need to interfere with the said order which is impugned in this petition.

5. However, both the learned counsel for the petitioner and the respondents categorically state that having regard to the facts and circumstances of the case, both the learned counsel would prefer that the pending appeal be heard by the learned Addl. District Judge, Mapusa, Mr. B.P. Deshpande. In view of their consent and having regard to the facts and circumstances of the case, the pending Misc. Civil Appeal No.22/2005 pending before the Addl. District & Sessions Judge (Fast Track Court), Mapusa stands transferred to the Court of Mr. B.P. Deshpande, learned Addl. District Judge at Mapusa along with the record and proceedings. The learned Addl. District Judge, Mapusa shall dispose of the said appeal as expeditiously as possible, preferably by 28th February, 2007. During

the pendency of the appeal the decree shall stand stayed. Both the petitioner and the respondents are agreeable to appear before the learned Addl. District Judge on 7th November, 2006 to enable the Addl. District Judge to fix a date for hearing of the appeal.

6. Writ Petition stands disposed of accordingly.

Dr. S. RADHAKRISHNAN, J.

sl.